

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

THOMAS FREDRICK BONNER, #923741 §

VS. § CIVIL ACTION NO. 6:05cv311

BECKY MALONE CASTLOO, ET AL. §

ORDER OF DISMISSAL

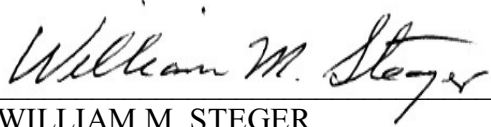
Plaintiff Thomas Fredrick Bonner, a prisoner confined in the Texas prison system, filed this civil rights lawsuit about alleged inaccuracies in his transcript. He has been engaged in a four year struggle since 2001 over the alleged inaccuracies. The present lawsuit was filed on August 22, 2005. The case was referred to United States Magistrate Judge Harry W. McKee, who issued a Report and Recommendation concluding that the case should be dismissed as time-barred. The plaintiff has filed objections.

The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the plaintiff, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections by the plaintiff are without merit. It is noted that the present lawsuit is akin to *Johns v. O'Connell*, 108 Fed. Appx. 153 (5th Cir. 2004), which involved a four year struggle regarding criminal trial records. The Fifth Circuit upheld the dismissal of the complaint as time-barred while noting that the two year limitations period began running when the plaintiff became aware of the injury. *Id.* at 153. The Fifth

Circuit added that allegations of a conspiracy were unsupported and were insufficient to toll the statute of limitations. *Id.* Both conclusions are equally applicable to the present case. The plaintiff started challenging the alleged inaccuracies in 2001, and he filed the present lawsuit in 2005. His claims are barred by the two year statute of limitations. Furthermore, his allegations of a conspiracy are unsupported in order to toll the statute of limitations. The lawsuit fails to state a claim upon which relief may be granted and is frivolous in that it lacks any basis in law and fact. It should be dismissed pursuant to 28 U.S.C. § 1915A(b)(1). Thus the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

**ORDERED** that the cause of action is **DISMISSED** with prejudice pursuant to 28 U.S.C. § 1915A(b)(1). All motions by either party not previously ruled on are hereby denied.

**SIGNED this 5th day of October, 2005.**

  
WILLIAM M. STEGER  
UNITED STATES DISTRICT JUDGE